

**FRIDLEY CITY CODE**  
**CHAPTER 108. FIRE PREVENTION**  
(Ref. 254, 262, 329, 423, 475, 640, 709, 735, 953, 1188, 1238, 1309)

**108.01. ADOPTION OF MINNESOTA STATE FIRE CODE**

The Minnesota State Fire Code, as adopted by the Commissioner of Public Safety through the Division of the Fire Marshal, pursuant to Minnesota Statutes 299F.011, including amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Public Safety through the Fire Marshal Division, hereinafter referred to as MSFC, is hereby adopted by reference with the exception of the optional appendices, unless specifically stated in this section of the City Code, as the Fire Code for the City of Fridley. The MSFC is hereby incorporated in this section of the City Code as if fully set out herein. (Ref 1309)

**108.02. APPLICATION, ADMINISTRATION AND ENFORCEMENT**

The application, administration and enforcement of this code shall be in accordance with the MSFC. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 299F.011. The code enforcement agency of the City of Fridley is the City of Fridley Fire Department. (Ref 1309)

**108.03. REQUIRED PERMITS, FEES and USER SURCHARGES**

1. Fire Department User Surcharge. A surcharge equal to .1% (1/10%) of the project valuation of each building permit issued shall be collected at the time a building permit is issued.
2. Permit Required Prior To Initiation of Activity. Applicants seeking a permit as specified by provision of the MSFC or this code, shall be in receipt of said permit prior to commencement of the regulated activity, construction, installation, modification, maintenance, operation or process granted by said permit.
3. Required Construction Permits. Fire Department permits required by MSFC provision or this code shall be issued by the code official for the construction or modification of the following systems under the conditions as stated herein or in the MSFC:
  - A. **AUTOMATIC FIRE-EXTINGUISHING SYSTEMS**  
Installation or modification to an automatic fire-extinguishing system.
  - B. **COMPRESSED GASES**  
Installation, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.
  - C. **FIRE ALARM AND DETECTION SYSTEMS AND RELATED EQUIPMENT**  
Installation of or modification to fire alarm and detection systems and related equipment
  - D. **FIRE PUMPS AND RELATED EQUIPMENT**  
Installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators.

- E. **FLAMMABLE AND COMBUSTIBLE LIQUIDS**  
To repair or modify a pipeline for the transportation of flammable or combustible liquids; to install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used; to install alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.
  - F. **HAZARDOUS MATERIALS**  
To install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by MSFC Chapter 27 and MSFC Table 105.6.21.
  - G. **INDUSTRIAL OVENS**  
To install industrial ovens covered by MSFC Chapter 21.
  - H. **LP GAS SYSTEM**  
Installation or modification of an LP - gas system.
  - I. **PRIVATE FIRE HYDRANTS**  
Installation or modification of private fire hydrants.
  - J. **SPRAYING OR DIPPING**  
To install or modify a spray room, dip tank or booth.
  - K. **STANDPIPE SYSTEMS**  
Installation, modification or removal from service of a standpipe system.
  - L. **TEMPORARY MEMBRANE STRUCTURES, TENTS AND CANOPIES**  
Erection of an air-supported temporary membrane or tent having an area in excess of 200 ft<sup>2</sup> or a canopy in excess of 400 ft<sup>2</sup>.
4. **Commence of Work Prior to Issuance of a Construction Permit.** If work for which a permit is required by Section 108.02.3 has been commenced without first obtaining the required permit, a special investigation shall be made before a permit may be issued for the work. The investigation fee shall be equal to the permit fee for the permitted activity and shall be collected in addition to the required permit fee.
5. **Operational Permits.** An operational permit shall be required for specific operations or businesses in the City of Fridley as set forth in MSFC Sections 105.6.1 through 105.6.46 or within this code.
6. **Permit Fees.** Wherein permits are required by the MSFC or other provision of this code, the Code Official shall collect fees in accordance with the schedule set forth in Chapter 11 of the City Code of Fridley. Permit fees shall be paid prior to the issuance of any permit. Fees shall be reviewed annually to insure proper charges for services rendered.
7. **Permit To Remain On Premise.** Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Code Official.

**108.04. FIRE EXTINGUISHERS**

1. All required fire extinguishers shall be selected, installed and maintained in accordance with MSFC Section 906 and National Fire Protection Association (NFPA) Standard 10, Standard for Portable Fire Extinguishers.
2. The recharging and certification of fire extinguishers shall be accomplished by persons who are skilled and competent in such work, including certified firms or individuals who are actively engaged in the business of fire extinguisher servicing.

**108.05. FIRE LANES**

1. The Code Official shall be empowered to order the establishment of fire lanes on public or private property in accordance with the MSFC. When such fire lane is established on public property or a public right of way, the necessary sign or signs shall be provided by the City of Fridley, and when on private property, the required signage shall be erected and maintained by the owner at his/her expense. Following installation of fire lane signs, no person shall park a vehicle or otherwise occupy or obstruct a fire lane.
2. Fire Lane Sign Specifications
  - A. Fire lane signs shall have a minimum dimensions of 12" wide by 18" high and shall contain the legend "NO PARKING - FIRE LANE" in red letters on a white, reflective background.
  - B. Signs shall be posted at each end of the fire lane and every 75 foot interval within the fire lane.
  - C. Safety islands under 75 feet in length shall have one fire lane sign centered in the island. Safety islands over 75 feet in length shall have signs posted at each end of the island and every 75 foot interval within the fire lane. Safety islands that are odd shaped may require additional signage as approved by the Code Official.
  - D. Curbs shall be painted yellow and maintained along fire lanes at mercantile, educational, institutional and commercial residential (hotels, motels and apartments) occupancies and in other specific areas as designated by the Code Official.
  - E. Sign posts shall be set back a minimum of 12 inches but not more than 60 inches (five feet) from the curb.
  - F. A Fire Lane, as approved by the Code Official, shall be required in front of every sprinkler system Fire Department connection allowing unobstructed connection of hose(s) for firefighting purposes.

**108.06. FIRE ALARM AND DETECTION SYSTEMS**

Fire alarm and detection systems shall be required in occupancies as specified in the MSFC and this code. All fire alarm and detection systems shall be installed and maintained in accordance with National Fire Protection Association (NFPA) Standard 72, National Fire Alarm Code and the MSFC.

1. Local Protective Alarms in Multiple Family Residential Buildings. Group R2 apartment buildings and condominiums located in the City of Fridley having more than four (4) dwelling units and less than seventeen (17) dwelling units or having three (3) stories in height shall be equipped with a local protective system installed and maintained in accordance with National Fire Protection Association (NFPA) Standard 72, National Fire Alarm Code.

2. Notification Required. Where a fire detection, alarm or extinguishing system required by this Code or the MSFC is out of service for any reason, the fire department shall be notified immediately. Notification of the fire department through its dispatch center, Anoka County Central Communications, shall be construed as proper notification.

#### **108.07. DELIBERATE OR NEGLIGENT BURNING**

It shall be unlawful for any person to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

#### **108.08. REMOVAL OR TAMPERING WITH EQUIPMENT**

1 It shall be unlawful for any unauthorized person to remove, tamper with or otherwise disturb any fire hydrant, sprinkler system Fire Department connection, fire detection and alarm system, fire suppression system, or other fire appliance required by this code or the MSFC.

2. No person shall render a system or device inoperative during an emergency unless by direction of the Fire Chief or fire department official in charge of the incident.

#### **108.09. REMOVAL OF OR TAMPERING WITH APPURTENANCES**

Locks, gates, doors, barricades, chains, enclosures, signs, tags, notices or seals which have been installed by or at the direction of Code Official shall not be removed, unlocked, destroyed, tampered with or otherwise vandalized in any manner.

#### **108.10. OBSTRUCTION OF EGRESS**

No person shall physically obstruct or otherwise prevent the use by any other person of an egress device required by this code or the MSFC.

#### **108.11 FIRES OR BARBECUES ON BALCONIES OR PATIOS**

1. Open Flame Prohibited. In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within fifteen (15) feet of the structure.

2. Fuel Storage Prohibited. No person shall store or use any fuel, barbecue, torch, or other similar device in the locations designated in Section 1.

**Exception:** Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the Code Official.

**108.12. FIRE APPARATUS ACCESS ROADS**

1. Access and Loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 50,000 pounds.
2. Turning Radius. The minimum turning radii shall be determined by the Code Official but in no case shall be less than twenty eight (28) feet.
3. Fire Apparatus Road Gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:
  - A. The minimum gate width shall be twenty (20) feet.
  - B. Gates shall be of the swinging or sliding type.
  - C. Construction of gates shall be of materials that allow manual operation by one person.
  - D. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
  - E. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Code Official.
  - F. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools.
  - G. Locking device specifications shall be submitted for approval by the Code Official.
4. Access Road Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
5. Aerial Fire Apparatus Access Roads
  - A. Buildings or portions of buildings or facilities thirty (30) feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
  - B. Fire apparatus access roads shall have a minimum unobstructed width of twenty-six (26) feet in the immediate vicinity of any building or portion of building more than thirty (30) feet in height.
  - C. At least one of the required access routes meeting this condition shall be located within a minimum of fifteen (15) feet and a maximum of thirty (30) feet from the building, and shall be positioned parallel to one entire side of the building.

6. Turnarounds Required. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions approved by the Code Official.

### **108.13 OPEN BURNING (Ref 1238)**

1. Open Burning Prohibited. Except as otherwise permitted by this section, all open burning is prohibited in the City of Fridley.
2. Definitions. For the purposes of this section the following definitions shall apply:
  - A. "Open Fire" or "Open Burning" means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.
  - B. "Person" includes any natural person acting either personally or in any representative capacity, a corporation, a firm, a co-partnership, or an association of any nature or kind.
  - C. "Starter Fuels" mean dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open fire.
  - D. "Wood" means dry, clean fuel only such as twigs, branches, limbs, commercially made logs for heating, charcoal, cord wood or untreated dimensional lumber. "Wood" does not include wood that is green, leaves or needles, rotten, wet, oil soaked or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three foot lengths.
  - E. "Recreational Fire" means a fire set for cooking, warming or ceremonial purposes which is not more than three (3) feet in diameter by two (2) feet high, and has had the ground five (5) feet from the base of the fire cleared of all combustible material.
  - F. "Burning Permit" is a permit issued by the Fire Chief or designee authorizing fires exempted from the general provisions hereof and setting conditions therefore.
  - G. "Burner" means a firebox, barrel or similar container used for an outdoor fire, but not including grills or barbecues used principally for the cooking of food, or outdoor fireplaces.
  - H. "Outdoor Fire Place" means a manufactured freestanding fire pit or barbecue pit approved and listed by a nationally recognized agency such as Underwriters Laboratories (UL) for the purpose of recreational fires that is enclosed with spark arresting screening and is used per the manufacturer's instructions.
  - I. "Bon Fire" means an outdoor fire utilized for ceremonial purposes.
  - J. "Fire Extinguishing Equipment" means any approved equipment and material such as a fire extinguisher with a minimum 4-A rating, garden hose and water supply, or shovel and sand, that is used for the purpose of extinguishing a fire.

3. Exemptions. The following types of open burning shall be exempt from the prohibition of Section 108.13.1:
  - A. Recreational fires subject to the conditions of Section 108.13-12.
  - B. Fires purposely set under the supervision of the Fire Department for the instruction and training of fire fighting personnel.
  - C. Fires for which a burning permit has been obtained.
4. Burning Permit. Except for permits issued by the Minnesota Department of Natural Resources for fire training and permanent burn sites, the Fire Chief or designee may issue a burning permit for any of the following:
  - A. Fires set for the elimination of a fire hazard which cannot be abated by any other practical means.
  - B. Fires purposely set for forest, prairie and game management purposes when no other alternative methods are practical.
  - C. The burning of trees, brush, grass and other vegetable matter in the clearing of land, the maintenance of street, roadway, highway or railroad right-of-way, park land and in accepted agricultural land management practices where chipping, composting, landscaping or other alternative methods are not practical.
  - D. The disposal of diseased trees generated on site or diseased or infected nursery stock.
  - E. Ground thawing for utility repair and construction.
  - F. Bon Fires under the direct supervision of the Fire Department.
5. Prohibited Materials.
  - A. No permit may be issued for the open burning of oils, petro fuels, rubber, plastics, chemically treated materials or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood, composite shingles, tar paper, insulation, composition board, sheetrock, wiring paint or paint filters.
  - B. No permit shall be issued for the open burning of hazardous waste or salvage operations, solid waste generated from an industrial or manufacturing process or from a service or commercial establishment, or building material generated from demolition of commercial or industrial structures, or discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.
6. Procedure for Permit Issuance.
  - A. Application for a burning permit shall be submitted to the Fire Chief on a form prescribed by the City.
  - B. The Permit fee shall be as provide in chapter 11 of the City Code.

- C. The Fire Chief, or designee, shall review the application to insure compliance with the provisions of this section and any applicable State laws and/or regulations.
  - D. The Fire Chief, or designee, may inspect the proposed burn site on such occasions and at such time as is deemed necessary to adequately review the application. Submission of the application shall constitute authorization for the Fire Chief, or designee, to enter the premises for this purpose.
  - E. Within five business days, excluding Saturdays, Sundays and legal holidays, after receipt of the application the Fire Chief, or designee, shall either grant or deny the application.
7. Denial of Permit.
- A. Application for a burning permit may be denied for any one of the following reasons:
    - 1. The proposed fire or burn site does not meet the requirements of this section.
    - 2. The Fire Chief, or designee, determines that there is a practical alternative method of disposal of the material.
    - 3. The Fire Chief, or designee, determines that the fire would result in a pollution or nuisance condition.
    - 4. The Fire Chief, or designee, determines that the burn cannot be safely conducted and no plan has been submitted to adequately address the safety concerns.
    - 5. The location of the burning shall not be within 600 feet of an occupied residence other than those located on the property on which the burning is conducted.
    - 6. The denial of any application shall be in writing and shall state the reasons for the denial.
  - B. Any person aggrieved by the denial of a burning permit may appeal that decision to the City Council by submitting a written request or appeal to the Fire Chief's office within ten days after the date of the denial. The Fire Chief shall submit the appeal request to the City Manager for placement on the next available agenda.
8. Responsibilities of Permit Holder. The holder of any permit shall be responsible for the following:
- A. Have a valid permit in possession at the burn site at all times during the burn.
  - B. Prior to starting burn, confirming that no burning ban or air quality alert is in effect.
  - C. Constant attendance by the permit holder or competent representative during a burn event.
  - D. Availability at the burn site of appropriate communication and fire extinguishing equipment as required by the permit or any fire safety plan approved by the Fire Chief, or designee, as part of the permit process.



- E. Not allowing the fire to smolder.
  - F. Being sure that the fire is completely extinguished before the permit holder or representative leaves the site.
  - G. All costs incurred as a result of the burn including, but not limited to, fire suppression, administrative fees, property damage and personal injuries.
9. Revocation of Permit. An officer of the Minnesota Department of Natural Resources, the Fire Chief, or designee, may revoke any burning permit for appropriate reasons including, but not limited to:
- A. A fire hazard exists or develops during the course of the burn.
  - B. Pollution or nuisance conditions develop during the course of the burn.
  - C. The fire smolders with no flame present.
  - D. Any of the conditions of the permit are violated during the course of the burn.
10. Burning Ban or Air Quality Alert. No recreational fire or open burn will be permitted when the City or the Minnesota Department of Natural Resources has officially declared a burning ban due to potential hazardous fire conditions or when Minnesota Pollution Control Agency has declared an air quality alert.
11. Use of Burners Prohibited. No person shall use a burner within the City.
12. Recreational Burning. Recreational fires shall comply with the following requirements:
- A. Burning shall be prohibited between 12:00 Midnight and 9:00 AM during any day of the week.
  - B. The fire shall not exceed three (3) feet in diameter and a flame height of approximately two (2) feet.
  - C. Only clean wood or charcoal may be burned. No burning of trash, leaves or brush is allowed.
  - D. The fire is ignited with an approved starter fuel.
  - E. The fire is constantly attended by an adult person knowledgeable in the use of fire extinguishing equipment and an adult attendant supervises the fire until the fire has been totally extinguished.
  - F. Fire-extinguishing equipment is readily available.
  - G. Fire is not conducted within twenty-five (25) feet of a structure or combustible material. This distance may be reduced to within fifteen (15) feet of a structure or combustible material when contained in an outdoor fireplace or container approved by the Fire Chief.
  - H. Any conditions that could cause a fire to spread to within twenty-five (25) feet of a structure shall be removed or eliminated prior to ignition.
  - I. Recreational fires are not permitted on windy days when smoke may create a nuisance.

13. Severability. If any sections, subsection, sentence, clause or phrase of this code section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the code section.

**108.14 VIOLATIONS AND PENALTIES.**

A person who violates a provision of this code shall be guilty of a misdemeanor.

**108.15 FIRE CODE OPTIONAL APPENDICES.**

The MSFC, established pursuant to Minnesota Statutes 299F.011 allows a municipality to adopt by reference and enforce certain optional Appendices of the most current edition of the MSFC.

The following optional appendices identified in the most current edition of the MSFC are hereby adopted and incorporated as part of the Fire Code for the City of Fridley.

Appendix D: Fire apparatus access roads.

Appendix E: Hazard Categories.

Appendix F: Hazard Ranking. Assignment of levels of hazards to be applied to specific hazard classes as required by NFPA 704.

Appendix H: Fires or barbecues on balconies or patios.

Appendix I: Special locking for group 1 occupancies.